

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**MAY 18, 2015**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**6:45 P.M.**

## **OPEN FORUM**

### **Grant of Easement/Bike Path**

Several people, including representatives from the Blackstone Heritage Corridor, Inc., the RI Bicycle Coalition and the East Coast Greenway, spoke and urged the Council members to reconsider and approve the easement for Assessor's Plat 3, Lot 183 (Bike Path/Woonsocket Local Protection Project).

(Ms. Alves arrived at 6:59 P.M.)

## **REGULAR MEETING**

The meeting began at 7:01 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mrs. Nadeau, Mr. Zwolenski and Mr. Boucher (Mr. Alter deceased). Also in attendance were Town Administrator Hamilton and Assistant Town Solicitor Stephen Archambault.

### **GRANT OF EASEMENT (BIKE PATH/WOONSOCKET LOCAL PROTECTION PROJECT)**

**MOTION** by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to move this item up next on the agenda.

**MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mrs. Nadeau, and voted 3 to 1 on a roll call vote (Mr. Boucher voted no) to grant the easement for Assessor's Plat 3, Lot 183 also known as the Bike Path/Woonsocket Local Protection Project for consideration of \$1.00.**

**Mr. Boucher explained that he was not against the bike path but was concerned with who would maintain it.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to take a five-minute recess at 7:07 P.M.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to resume the meeting at 7:09 P.M.**

#### **PRESENTATION OF CERT CLASS CERTIFICATION AWARDS**

**The Community Emergency Response Team was formed following September 11, 2001. Eleven members were recognized and presented citations this evening by Ms. Hamilton.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted unanimously on an aye vote to take a five-minute recess at 7:17 P.M.**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted unanimously on an aye vote to resume the meeting at 7:19 P.M.**

#### **EXTENSION OF VICTUALING LICENSE - CAFÉ 900**

**Owner Mark Siwicki explained that he would like to hand out complimentary sandwiches, coupons for free appetizers and tickets for \$2 draft beers during the Memorial Day parade.**

**MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski and Mr. Boucher, and voted 4 to 0 on a roll call vote to extend the victualing license for Café 900 which includes handing out tickets for free appetizers, tickets for \$2 draft beers and complimentary strings of Mardi Gras beads.**

**Mr. Zwolenski stated that Mr. Siwicki should follow all the regulations for ServSafe and TIP regulations.**

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#### **HOLIDAY SALES LICENSE - PHANTOM FIREWORKS**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to approve a holiday sales license to Phantom Fireworks for the period of June 18, 2015 to July 14, 2015.**

#### **EXECUTIVE SESSION**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to enter into executive session at 7:25 P.M.**

**pursuant to RIGL 42-46-5(A)(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of public held property wherein advanced public information would be detrimental to the interest of the public.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to come out of executive session at 7:50 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to re-enter into executive session at 7:50 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to the same to discuss potential litigation re: E1 grinder pumps.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to come out of executive session at 8:25 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to re-enter executive session at 8:26 P.M. pursuant to RIGL 42-46-5(A)(1) Any discussions of the job performance, character, physical or mental health of a person or persons provided that such person or persons affected may require that such discussion be held at an open meeting and RIGL 42-46-5(A)(2)**

**Sessions pertaining to collective bargaining or litigation to discuss Robinson Green Beretta Architectural Contract and Stage II submission to RIDE (School Construction).**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to come out of executive session at 9:02 P.M. and to seal the minutes. No motions were made and no votes were taken.**

#### **RGB ARCHITECTURAL CONTRACT/STAGE II SUBMISSION TO RIDE**

**MOTION by Mr. Boucher, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to hire an architectural firm to determine errors and omissions in the Robinson Green Beretta Stage II application submitted to the Rhode Island Department of Education.**

**MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to seek professional services for a review of the application that was submitted to RIDE on behalf of the town.**

#### **AWARD OF BID RE: AUDITING FIRM PROPOSAL**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, Mrs. Nadeau and Mr. Boucher, and voted 4 to 0 on a roll call vote to hire Bacon & Company as the town and school auditor for the years 2015, 2016 and 2017 at a total cost of \$117,750 based upon the recommendation of the Assistant Finance Director.**

#### **POLICE DEPARTMENT TECHNOLOGY PROPOSAL**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to approve the purchase of IT infrastructure for the Police Department with funding to come out of the contingency fund.**

## **CONSENT AGENDA**

**Mr. Zwolenski requested that the bills be removed.**

**Mr. Boucher requested that the resolution pertaining to RhodeMap RI be removed.**

**MOTION by Mr. Boucher, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to approve/accept the following: 1.) Town Council minutes for April 20 and 27, 2015; 2.) Board of Assessment Review minutes for February 5, 2015; 3.) Budget Committee minutes for April May 18, 2015**

**13, 2015; 4.) Conservation Commission minutes for April 14, 2015; 5.) Sewer Commission minutes for February 18 and March 18, 2015; 6.) Animal Control monthly report for April 2015; 7.) NSF&RS Inc. monthly report for April 2015; 7.) Municipal Court monthly report for April 2015; 8.) Resolution Re: Restoration of RI Ethics Commission's Authority to Prosecute Alleged Conflicts of Interest by Members of the RI General Assembly - Town of East Greenwich; 9.) Resolutions Opposing Property Surtax on Non-owner Occupied Residences and Vacant Land Assessed at \$1 Million or More - Towns of Little Compton and Middletown; 10.) Resolution Supporting Repeal of Tax**

on Social Security Benefits - Town of Narragansett; 11.) Resolutions Opposing Legislation Relating to Waters and Navigation - Harbors and Harbor Lines - Towns of Narragansett, Middletown and Westerly; 12.) Resolution Re: Local Control of Public Schools and Education Funding - North Smithfield School Committee; 13.) Resolution Supporting Legislation Relating to Taxation - Personal Income Tax - Town of Westerly; 14.) Resolution Opposing Assessment of Partially Completed Structures - Town of Middletown; and 15.) Resolution Opposing the Legalization of Marijuana - Town of Middletown.

### **Payment of Bills**

Following several questions, MOTION by Mr. Zwolenski, seconded by Mrs. Nadeau, and voted 4 to 0 on a roll call vote to approve payment of the following bills with the understanding they have been approved by the Town Administrator and the Finance Director: General Fund - \$411,949.14; Sewer - \$9,628.19; Water - \$5,085.87; School Department - \$1,553,518.58; and Fire Department - \$195,147.00 for a total of \$2,175,328.78.

### **Resolution Re: RhodeMap RI**

Mr. Boucher wanted it known that he does not support this resolution. He feels it is the state usurping city/town authority.

### **ABATEMENTS**

MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote that, based upon the explanation of the Finance

**Director, abatements in the amount of \$1,953.09 be approved. This brings the year-to-date total to \$424,001.12.**

## **RESOLUTION TO AMEND TAX STABILIZATION ORDINANCE**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to support the following resolution contingent upon the Town Administrator making appropriate edits in the legislation by changing any words “freeze” to “deferred”: “WHEREAS, Rhode Island General Laws 44-3-16.2 was adopted by the General Assembly to provide tax stabilization for certain persons age sixty-five (65) and over. WHEREAS, the application of Rhode Island General Laws 44-3-16.2 has caused an unanticipated tax burden on persons age sixty-five (65) and over when a property reevaluation reduces the value of the property subject to this statute. NOW, THEREFORE BE IT RESOLVED, that the North Smithfield Town Council requests the General Assembly to adopt an amendment to Rhode Island General Laws 44-3-16.2 as indicated on the attached Proposed Amendment to RIGL 44-3-16.2”**

## **ORDINANCE AMENDMENT RE: ONE-WAY STREET (MOWRY RD)**

**Ms. Hamilton noted that she has a meeting set this week with Public Works Director Raymond Pendergast and Burrillville representatives on site at the Richer property.**

**Mrs. Nadeau commented that Mr. Richer’s well is thirteen feet from the pavement and she feels accommodations will need to be made**



**somehow.**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to accept the reversal of the one-way street ordinance as it pertains to Mowry Road. This is considered the second reading.**

**MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote at 9:59 P.M. to extend the meeting to 10:15 P.M.**

**ORDINANCE SEC. 12-15 LOITERING - 1ST READING**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to accept this ordinance as a first reading.**

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**ORDINANCE SEC. 12-16 SEX OFFENDER RESIDENCY RESTRICTIONS - 1ST READING**

**It was noted that a radius map should be attached to the ordinance.**

**MOTION by Mrs. Nadeau, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to accept this ordinance as a first reading.**

**SCHOOL CONSTRUCTION STAGE II APPLICATION**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0 on a roll call vote to table this discussion.**

## **PAYMENT TO FORMER BUILDING INSPECTOR**

**Ms. Alves questioned if Ms. Hamilton had the backup information from the state regarding the former Building Official signing off on permits, etc.**

**Ms. Hamilton did not have anything in writing but affirmed that the state had told her that the town could bring someone in to sign the permits. She added that Mr. Cambio, the present Building Inspector, was scheduled to take his final test this week.**

**MOTION by Mrs. Nadeau, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote at 10:15 P.M. to extend the meeting to 10:25 P.M.**

**Ms. Alves asked if Ms. Hamilton could get something in writing stating the procedure the town was supposed to follow.**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to not release the \$200 to Mr. Benoit until the information is received from the Town Administrator.**

## **APPOINTMENT TO REDEVELOPMENT AGENCY**

**There was no appointment.**

## **RESOLUTION OPPOSING TRUCK SIZE AND/OR WEIGHT INCREASES**

**MOTION by Mr. Zwolenski, seconded by Mr. Boucher, and voted 4 to 0**

on a roll call vote to approve the following resolution: “WHEREAS, the Town of North Smithfield is concerned with the welfare of motorists and the cost, quality and reliability of our nation’s infrastructure; and WHEREAS, the trucking industry is an important part of the nation’s economy and safely sized and weighted trucks are vital to truck drivers to conduct their essential work in a safe and responsible manner; and WHEREAS, larger trucks would further endanger motorists and the U.S. Department of Transportation (USDOT) concluded that multi-trailer trucks have an 11-percent higher fatal crash rate than single-trailer trucks; and WHEREAS, allowing heavier or longer trucks would threaten the safety of the traveling public because heavier and longer trucks would be more difficult to control, increase wear and tear on equipment and increase crash severity; WHEREAS, more than half the bridges on the National Highway System are over 40 years old and nearly 25 percent are rated as structurally deficient or functionally obsolete; and WHEREAS, Rhode Island has 174 bridges that are rated as structurally deficient and 255 bridges that are rated as functionally obsolete as of 2014, according to the Federal Highway Administration (FHWA); and WHEREAS, it would cost \$121 billion to repair current structurally deficient bridges nationwide, according to USDOT; and WHEREAS, today’s 80,000-pound trucks accelerate the deterioration of road surfaces and bridges but only repay approximately 80 percent of the damage they cause; and WHEREAS, allowing heavier trucks to operate would add new costs and proposed 97,000-pound trucks would only repay 50 percent of the damage they cause; and

**WHEREAS, taxpayers effectively subsidize the operation of heavy trucks in legal operation today with approximately \$2 billion annually, according to USDOT; and WHEREAS, government highway cost allocation studies show that increases in truck size and weight would exacerbate the existing underpayment of heavy trucks and increase their subsidization by municipalities and counties, amounting to an unfunded mandate, and WHEREAS, increasing truck weights would result in a net increase of nearly 8 million more truck trips on the highway and would further compromise the safety of motorists and the quality of roads and bridges. NOW, THEREFORE, BE IT RESOLVED, that the Town of North Smithfield opposes any increase in truck size or weight at both federal and state levels.”**

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## **SALARY INCREASES FOR EMPLOYEES WITH LESS THAN ONE YEAR OF SERVICE**

**Budget Committee Chairman Michael Clifford explained they are trying to determine the Council’s feelings on raises for those employees who have been on the job for less than one year. It was suggested that raises be prorated.**

**Mr. Parmelee stated the administration’s proposal would be “per discretion” and the difference between the two would be approximately \$9,000.**

**This was continued to the next agenda.**

**MOTION by Mrs. Nadeau, seconded by Ms. Alves, and voted unanimously on an aye vote to adjourn at 10:26 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**